

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RIO REAL ESTATE INVESTMENT
OPPORTUNITIES, LLC, a New Mexico
limited liability company,

Plaintiff,

vs.

Case Number: 1:12-cv-00758-JAP-ACT

TESLA MOTORS, INC., a Delaware
corporation,

Defendant.

**JOINT MOTION TO AMEND CASE MANAGEMENT DEADLINES AND
ORDER SETTING RULE 16 SETTLEMENT CONFERENCE**

Pursuant to D.N.M. LR-Civ. 16.1, the parties jointly move to amend the Case Management Deadlines set by the Court and the Court's Order Setting Rule 16 Settlement Conference [Doc. 12], entered September 20, 2012. As grounds for this Motion, the parties state as follows:

1. Plaintiff filed the present lawsuit in state court in May 2012, and the case was removed to federal court in July 2012.
2. Since then, both parties diligently have pursued discovery. The parties have exchanged written discovery requests and timely responded to those requests.
3. The parties also have identified potential fact witnesses and have conferred with each other to schedule depositions of these witnesses in California and New Mexico at mutually convenient times. Given time constraints on these witnesses, the desirability of scheduling out-of-state depositions during the same week and Plaintiff's counsel's upcoming trial obligations, however, counsel have been unable to schedule these depositions before the termination date for

discovery currently scheduled for March 1, 2013. *See Order Amending Case Management Deadlines [Doc. 23], entered December 18, 2012.*

4. Counsel have conferred with their clients and with each other and are able to reschedule all of the requested depositions before the end of March 2013.

5. In its Notice of Pretrial Conference and Trial [Doc. 16], the Court set this matter for non-jury trial on a trailing calendar beginning on July 8, 2013.

6. After conferring in good faith, the parties suggest that the following Case Management Deadlines be modified as follows:

DEADLINE	SCHEDULING ORDER	PROPOSED NEW DEADLINE
End of Discovery	March 1, 2013	March 29, 2013
Motions Related to Discovery	March 11, 2013	April 8, 2013
Pretrial Motions Other than Discovery	April 4, 2013	April 12, 2013

7. Under this proposed revision to the Case Management Deadlines, the dates for the parties to submit a Pretrial Order will remain the same. As a result, nothing in these proposed revisions will change the date by which this matter will be ready for trial.

8. In addition, the Court scheduled a Rule 16 Settlement Conference to be held on March 7, 2013.

9. Given the additional time needed to complete parties' pretrial discovery, it will be most productive to vacate this setting for the Rule 16 Settlement Conference and re-schedule it after the parties complete their remaining pretrial discovery.

For these reasons, the parties jointly ask this Court to enter an order amending the Case Management Deadlines to incorporate the dates as set forth in this motion, and vacating the Rule 16 Settlement Conference.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 11, 2013, the foregoing *Joint Motion to Amend Case Management Deadlines and Order Setting Rule 16 Settlement Conference* was electronically filed with the Clerk of Court using the CM/ECF system that will send notification of such filing to all counsel of record:

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